



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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18 January 2006

**IND100771.EX**

India: Ability of Sikhs to relocate within India; issues to be considered when relocating; safety concerns; treatment by authorities (March 2005 - December 2005)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

### **Sikh Population in India**

According to the results of the 2001 Indian census, in 2001 there were 19,216,000 Sikhs in India (PUCL 30 Oct. 2005; Specialist in Indian Affairs 23 Nov. 2005), representing approximately 1.9 per cent of India's total population (ibid.; UN 3 Nov. 2005; India n.d.a; Laws and Iacopino 2002, 195; ENSAAF June 2004; *International Religious Freedom Report 2004* 15 Sept. 2004, Sec. 1).

Although the majority of Sikhs in India reside in Punjab state (Specialist on Indian Affairs 23 Nov. 2005; PUCL 30 Oct. 2005; Lawyer 27 Oct. 2005; Laws and Iacopino 2002, 195; BBC 16 Mar. 2005), there are many Sikh communities in India located outside of Punjab state (Specialist on Indian Affairs 23 Nov. 2005; Professor of Asian Studies 14 Nov. 2005; ENSAAF 3 Oct. 2005; Associate Professor of Social and Cultural Anthropology 3 Nov. 2005; PUCL 30 Oct. 2005; Lawyer 27 Oct. 2005; MAR n.d.a; WSO n.d.). In correspondence to the Research Directorate, a specialist in Indian affairs reported that Sikhs are located in every state in India, and in 579 districts out of a total of 593 districts (23 Nov. 2005). After Punjab state, the next greatest numbers of Sikhs reside in northern Haryana state (1,170,662 persons), northern Rajasthan state (818,420 persons), north central Uttar Pradesh state (678,059 persons), northern Delhi union territory (555,602 persons), northern Jammu and Kashmir state (207,154), central Maharashtra state (215,837 persons), north central Uttaranchal state (212, 025 persons) and central Madhya Pradesh state (150,772 persons) (ibid.). Statistics on the Sikh population in India received by the Research Directorate from the World Sikh Organization (WSO), which are drawn from the results of the 2001 Indian census, corroborate the information that most Sikhs live in the states cited above by the specialist in Indian affairs, though the numbers of Sikhs reported by WSO are slightly lower in each state, except for Jammu and Kashmir state, in which the number of Sikhs is considerably higher at 500,000 people (WSO n.d.). Minorities at Risk, a University of Maryland research project that monitors and analyzes ethnic conflict worldwide (MAR n.d.b), also indicates the presence of Sikhs in the capital Delhi, as do news articles (MAR n.d.a; PTI 27 Aug. 2004; BBC 16 Mar. 2005). A professor of Asian studies, with extensive experience in India, commented in a telephone interview with the Research Directorate that Sikh communities are "doing quite well" in various states in India and that they consider these places their home (14 Nov. 2005).

Citizens are not required to register their faith in India (*Country Reports 2003* 25 Feb. 2004, Sec. 2c). Several oral sources consulted for this response commented that Sikhs are able to practise their religion without restriction in every state of India (Specialist on Indian Affairs 23 Nov. 2005; PUCL 30 Oct. 2005; Lawyer 27 Oct. 2005; VFF 23 Oct. 2005). The central Indian government recognizes Sikhs as one of five religious minority groups and as such, Sikhs are provided access to "various Constitutional guarantees" for the protection of the rights of religious minorities (UN 3 Nov. 2005).

Sikhs figure in prominent positions in India (PUCL 30 Oct. 2005; Specialist in Indian Affairs 23 Nov. 2005). Most notably, India's first non-Hindu prime minister, Manmohan Singh, is a Sikh (ibid.; BBC 16 Mar. 2005; ibid. 22 May 2004; *International Religious Freedom Report 2004* 15 Sept. 2004, Introduction).

### **Relationship Between Sikhs and Non-Sikhs**

Despite continued impunity for those allegedly responsible for past crimes against Sikhs (HRW 30 Oct. 2004; ENSAAF June 2004; PTI 13 Aug. 2005; VFF 28 Aug. 2005; *World Policy Journal* 1 July 2004), a 2005 BBC report states that Sikhs and the ruling Congress party enjoy a relationship based on trust more now than has been the case in the past (BBC 16 Mar. 2005). A Punjab-based political scientist explained, "[t]ime is a great healer and it has done the same to the relationship between Congress and the Sikhs" (ibid.).

The same BBC article also reports that "the divide between Sikhs ... and Hindus has been bridged" (ibid.). The United Nations High Commissioner for Refugees (UNHCR) commented in 3 November 2005 correspondence to the Research Directorate that "the general situation for Sikhs in India has stabilized, and for those in Punjab has improved significantly from the violence ridden decade of the mid 1980s to mid 1990s". In 24 May 2005

correspondence to the Research Directorate, a human rights activist and writer who has extensive experience in human rights issues faced by Sikhs in India corroborated this change in attitude towards Sikhs and provided the following personal views, which are based solely on his own personal impressions: "... feelings towards the Sikhs in [parts of India other than Punjab] have generally mellowed in official and private circles" (Human Rights Activist 24 May 2005). This activist also stated that he is not aware of any organized efforts to "mobilize ... dormant anti-Sikh sentiments in any part of India" (ibid.).

An associate professor of social and cultural anthropology, who is also a specialist in Indian affairs, commented in 3 November 2005 correspondence to the Research Directorate that "mistreatment of Sikhs is less frequent ... in [2005], quite different [from] that experienced, for example, by Muslims in India today" (3 Nov. 2005). The United Kingdom (UK) Immigration and Nationality Directorate went further and concluded in September 2005 that "[f]ollowing the end of the counter-insurgency period [in India] there is no evidence of persecution of Sikhs by non-state agents" (Art. 3.8.8).

These opinions notwithstanding, Human Rights Watch reported discrimination in India based on religious grounds (HRW 2005), and Freedom House reported violence against religious minorities (FH 2005, 289), though neither organization specified the religion of those who were subjected to such treatment.

### **Feasibility of Safe Relocation within India**

The Indian Constitution allows for freedom of movement of citizens, which, according to *Country Reports 2004*, was generally respected in practice in 2004 (*Country Reports 2004* 25 Feb. 2003, Sec. 2d). According to the human rights activist referred to above, "[t]heoretically, Sikhs can, like others, move and relocate themselves in any part of India that does not come under excluded or restricted zones like some parts in the northeast of India" (Human Rights Activist 24 May 2005). This information was corroborated by the UK Immigration and Nationality Directorate, which stated in September 2005 that "there exists the option for those who encounter difficulties to seek national protection or to relocate internally ..." (Art. 3.8.8). However, the same report also concluded that "for single women who do not relocate as part of a family unit relocation may be difficult and unduly harsh" (UK Sept. 2005, Art. 3.8.6). In addition, "[for Sikhs] fearing ill-treatment/persecution by the state authorities relocation to a different area of the country to escape this threat is not feasible" (ibid., Art. 3.7.8). Similarly, ENSAAF, a California-based non-profit organization that "fights impunity for human rights abuses in India", stated in a letter entitled "No Safe Haven: The Myth of the Internal Flight Alternative in India for Returned Sikh Asylum Seekers," written on 24 January 2005, that

Sikh survivors of human rights abuse cannot live safely or securely in any part of India ... [due to] ... government protection for perpetrators of human rights abuses in Punjab and India; the perception of a revival of militancy in Punjab; the continuation of abuses perpetrated by security forces in India; and the ability and willingness of security and intelligence agencies to track down Sikhs who have relocated to other parts of India, outside of Punjab (1).

This letter can be accessed at <<http://www.ensaaf.org/ifa-letter-2005-01.pdf>>, although it should be noted that most of the information contained in the letter is based on incidents that occurred in the 1990s (ENSAAF 24 Jan. 2005).

In contrast, the UK Immigration and Nationality Directorate stated in September 2005 that "... where the fear is of local police and the individual is not of interest to the central [Indian] authorities internal relocation is feasible and not unduly harsh" (UK Sept. 2005, Art. 3.7.8).

### **Police Treatment of Relocated Sikhs**

Article 48 of the Indian Code of Criminal Procedure reads as follows: "A police officer may, for the purpose of arresting without warrant any person whom he is authorized to arrest, pursue such person into any place in India" (India 25 Jan. 1974). The Central Reserve Police Force, a paramilitary force of India (AHRC 25 Jan. 2005), may be summoned to any state of India to help "maintain law and order and contain insurgency," as well as "various police duties," such as crowd control and protection of officials (India n.d.b). No information could be found on cooperation between Indian state police forces to apprehend wanted individuals among the sources consulted by the Research Directorate.

This power of police officers notwithstanding, a professor of Asian studies commented that in pursuing a wanted individual, it is unlikely that the central Indian authorities will attempt to locate the person in another state, and that this is the case with Sikhs (14 Nov. 2005). This professor added that such pursuits have more to do with the profile of the individual than with the faith the individual subscribes to (ibid.). The human rights activist referred to above informed the Research Directorate that he was not aware of any police sweeps or searches of Sikhs in India on the basis of their religion (24 May 2005).

This human rights activist also noted that "persons without sufficient financial means and social clout would mainly be the victims [of suspicions]" (Human Rights Activist 24 May 2005). Similarly, geographer Craig Jeffrey concluded in his study on networks of the citizenry and the police in India that those persons with relatives in the police force are able to "perpetuat[e] their economic and social advantage" (Jeffrey 2000, 1013).

### **Documentation Issues at New Place of Residence**

According to ENSAAF, Sikhs who have relocated to other areas in India could attract the attention of the authorities through their applications for documentation such as ration cards (ENSAAF 24 Jan. 2005, 17). ENSAAF explained that

[t]hose who utilize state resources ... come to the attention of local security forces. For example, to apply for a ration card, entitling the owner to subsidized prices for foods, kerosene and other materials, one has to cancel any previous card obtained at another address by informing the Directorate of Food and Civil Supply.... Local authorities may verify whether the former ration card has been cancelled (ibid., 17-18).

Further information on documentation issues for Sikhs in areas of India outside of Punjab state could not be found among the sources consulted by the Research Directorate.

### **Language Issues at New Place of Residence**

The official language of India is Hindi and is spoken by approximately thirty per cent of the population as a first language (UK Apr. 2003, 2.4). The Sikh language is Punjabi (Minahan 1996, 299), which closely resembles Hindi (ibid.; UK Apr. 2003, 2.4). Punjabi is also spoken by Hindus and Muslims living in Punjab state (MAR n.d.b). In addition to Hindi and Punjabi, there are another 42 languages, 720 dialects and 23 tribal languages spoken in India (UK Apr. 2003, 2.4).

Opinion differs on whether Sikhs would be linguistically understood in states of India other than Punjab. While some sources indicate most Sikhs would be understood in all other states (Lawyer 27 Oct. 2005) since they would be able to understand Hindi, Urdu (Specialist on Indian Affairs 23 Nov. 2005) or English (Professor of Asian Studies 14 Nov. 2005), others contend that Sikhs would be understood only in certain areas of India (Associate Professor of Social and Cultural Anthropology 3 Nov. 2005; ENSAAF 29 Oct. 2005). According to the general secretary of the Delhi-based People's Union for Civil Liberties, if the individual in question speaks only Punjabi then he or she would be understood only in the northern and eastern parts of India (PUCL 30 Oct. 2005). Otherwise this individual would have to learn the local language (Professor of Asian Studies 14 Nov. 2005; ENSAAF 29 Oct. 2005).

### **Housing Issues at New Place of Residence**

Two sources indicated that the main factor limiting access to housing in India is the financial situation, rather than the religion, of an individual (Specialist on Indian Affairs 23 Nov. 2005; Associate Professor of Social and Cultural Anthropology 3 Nov. 2005). Therefore, to whatever extent they can afford it, Sikhs have unlimited access to housing in localities outside of Punjab state (Professor of Asian Studies 14 Nov. 2005; PUCL 30 Oct. 2005; Lawyer 27 Oct. 2005). A specialist in Indian affairs explained that

[t]he greatest discrimination in housing experienced by religious minorities is faced by the Muslim population, not the Sikh population.... Housing for those in middle classes and above is often organized by "societies" which are essentially housing co-ops, or buildings rented or sold to members of a single community. Since Hindu "societies" form the vast majority of these housing projects, it is instructive to note that usually Hindu housing societies will accept sales/rentals to Jains, Christians, Parsis, and Sikhs, but will not allow Muslim families to rent or buy flats or apartments. There may be isolated instances of discrimination against Sikhs in terms of housing, but [it] is certainly not a common occurrence .... (Specialist on Indian Affairs 23 Nov. 2005).

In 12 January 2006 correspondence to the Research Directorate, a representative of WSO explained that according to state laws, citizens may buy agricultural land only in their state of residence, except for Punjab state, where Indian citizens residing in any Indian state may purchase agricultural land. This representative continued that "the application of [this law] is mainly used against Sikhs and other religious minorities" (WSO 12 Jan. 2006). Further information on this issue could not be found among the sources consulted by the Research Directorate.

### **Residence Registration at New Place of Residence**

Sikhs relocating from Punjab state to other parts of India do not have to register with the police in their area of relocation (ibid.; PUCL 30 Oct. 2005; Lawyer 27 Oct. 2005; Human Rights Activist 24 May 2005), unless they are on parole (Associate Professor of Social and Cultural Anthropology 3 Nov. 2005). One 2005 media report stated that Delhi police required landlords to furnish information about their tenants as part of a tenant verification drive in the city (*The Tribune* 27 July 2005).

### **Employment Issues at New Place of Residence**

Upon relocation to an area in India outside of Punjab state, several sources commented Sikhs would have indiscriminate access to employment (Professor of Asian Studies 14 Nov. 2005; PUCL 30 Oct. 2005; Lawyer 27 Oct. 2005), although this would depend on their skills level (Associate Professor of Social and Cultural Anthropology 3 Nov. 2005). A specialist in Indian affairs commented that although Sikhs are employed in the government, the police, universities, government corporations and the business community, "there may be isolated instances where

an individual feels discriminated against [in searching for employment], and in local communities there are tendencies for firms to employ locally-born and educated people" (Specialist on Indian Affairs 23 Nov. 2005).

### **Health Care Issues at New Place of Residence**

Several sources indicate that Sikhs would have indiscriminate access to health care in states outside of Punjab (Professor of Asian Studies 14 Nov. 2005; Lawyer 27 Oct. 2005; VFF 23 Oct. 2005), though access depends mainly on the financial situation of the individual (Associate Professor of Social and Cultural Anthropology 3 Nov. 2005; Professor of Asian Studies 14 Nov. 2005; WSO 5 Jan. 2006; Specialist on Indian Affairs 23 Nov. 2005) and the proximity of the individual's residence to an urban location (ibid.). The specialist on Indian affairs explained that

[i]n India access to health care depends on income. All health care is privately accessed. One can attend a government hospital for free medical consultation and surgical procedures but the waiting times are long and attention in many places [is] inadequate. In almost every government hospital patients have to pay for the cost of drugs, surgical dressings, and provide food to family members in hospital. As a result, those who can afford it obtain private health care.... [T]he primary obstacle to obtaining good health care is lack of income and the remoteness of many rural communities from good hospital facilities (Specialist on Indian Affairs 23 Nov. 2005).

### **Education Issues at New Place of Residence**

Two sources indicate that Sikhs would have access to education in Indian states outside of Punjab upon relocation (PUCL 30 Oct. 2005; Lawyer 27 Oct. 2005), though Sikhs are not eligible for any affirmative action programs related to education (Specialist on Indian Affairs 23 Nov. 2005). Poverty is the main obstacle to accessing education in India (ibid.; WSO 5 Jan. 2006); in addition, the proximity of the individual's residence to an urban area has an effect on the availability of education since elementary schools in rural areas are "inadequate" (Specialist on Indian Affairs 23 Nov. 2005).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

### References

Asian Human Rights Commission (AHRC). 25 January 2005. "India: Extreme Abuse of Power by the Central Reserved Police Force in Manipur." <<http://www.ahrchk.net/ua/mainfile.php/2005/924>> [Accessed 10 Oct. 2006]

Associate Professor of Social and Cultural Anthropology, California Institute of Integral Studies. 3 November 2005. Correspondence.

British Broadcasting Corporation (BBC). 16 March 2005. Soutik Biswas. "The Fading of Sikh Militancy." <[http://news.bbc.co.uk/2/hi/south\\_asia/3733271.stm](http://news.bbc.co.uk/2/hi/south_asia/3733271.stm)> [Accessed 27 May 2005]

\_\_\_\_\_. 22 May 2004. "India Swears in its First Sikh PM." <[http://news.bbc.co.uk/2/hi/south\\_asia/3736723.stm](http://news.bbc.co.uk/2/hi/south_asia/3736723.stm)> [Accessed 27 May 2005]

*Country Reports on Human Rights Practices for 2004*. 28 February 2005. "India." <<http://www.state.gov/g/drl/rls/hrrpt/2004/41740.htm>> [Accessed 22 Nov. 2005]

*Country Reports on Human Rights Practices for 2003*. 25 February 2004. "India." <<http://www.state.gov/g/drl/rls/hrrpt/2003/27947.htm>> [Accessed 22 Nov. 2005]

ENSAAF. 29 October 2005. Correspondence from Legal Director.

\_\_\_\_\_. 24 January 2005. Jaskaran Kaur and Sukhman Dhami. "No Safe Haven: The Myth of the Internal Flight Alternative in India for Returned Sikh Asylum Seekers." <<http://www.ensaaf.org/ifa-letter-2005-01.pdf>> [Accessed 27 Sept. 2005]

\_\_\_\_\_. June 2004. Jaskaran Kaur. "Twenty Years of Impunity: The November 1984 Pogroms of Sikhs in India." <<http://www.ensaaf.org/body-1984report-v2.pdf>> [Accessed 10 Jan. 2006]

Freedom House (FH). 2005. "Country Reports: India." <<http://www.freedomhouse.org/research/freeworld/2005/Egypt-Kiribati.pdf>> [Accessed 22 Nov. 2005]

Human Rights Activist. 24 May 2005. Correspondence.

Human Rights Watch (HRW). 2005. "World Report: India." <[http://hrw.org/english/docs/2005/01/13/india9824\\_txt.htm](http://hrw.org/english/docs/2005/01/13/india9824_txt.htm)> [Accessed 30 Nov. 2005]

\_\_\_\_\_. 30 October 2004. "India: Prosecute Killers of Sikhs." <[http://hrw.org/english/docs/2004/10/30/india9580\\_txt.htm](http://hrw.org/english/docs/2004/10/30/india9580_txt.htm)> [Accessed 13 Oct. 2005]

India. 25 January 1974. Code of Criminal Procedure, 1973. Act No. 2 of 1974.. <<http://indiacode.nic.in/fullact1.asp?tfnm=197402>> [Accessed 2 Dec. 2005]

\_\_\_\_\_. N.d.a. "Census of India 2001: Population". <<http://www.censusindia.net/results/population.html>> [Accessed 5 Jan. 2006]

\_\_\_\_\_. N.d.b. Central Reserve Police Force. "Introduction." <<http://crpf.nic.in/home.HTM>> [Accessed 10 Jan. 2006]

*International Religious Freedom Report 2004*. 15 September 2004. "India." United States Department of State. <<http://www.state.gov/g/drl/rls/irf/2004/35516.htm>> [Accessed 5 Jan. 2006]

Jeffrey, Craig. 2000. Department of Geography, Edinburgh University. "Democratisation Without Representation? The Power and Political Strategies of a Rural Elite in North India." *Political Geography*.

Laws, Ami and Vincent Iacopino. 2002. Stanford University School of Medicine and Research For Physicians for Human Rights, Boston. "Police Torture in Punjab, India: An Extended Survey." *Health and Human Rights: An International Journal*.

Lawyer, Human Rights and Law Network. 27 October 2005. Correspondence.

Minahan, James. 1996. "Khalistan." *Nations Without States: A Historical Dictionary of Contemporary National Movements*. Westport, CT: Greenwood Press.

Minorities at Risk (MAR). N.d.a. "Assessment for Sikhs in India." <<http://www.cidcm.umd.edu/inscr/mar/assessment.asp?groupId=75012>> [Accessed 29 Nov. 2005]

\_\_\_\_\_. N.d.b. "The MAR Project." <<http://www.cidcm.umd.edu/inscr/mar/>> [Accessed 16 Jan. 2006]

People's Union for Civil Liberties (PUCL). 30 October 2005. Correspondence from the General Secretary.

Press Trust of India (PTI). 13 August 2005. "Sikh Bodies Demand Setting Up of Truth Commission." (Factiva)

\_\_\_\_\_. 27 August 2004. "Special Train to Mark Fourth Centenary of Granth Sahib." (Factiva)

Professor of Asian Studies, University of Windsor. 14 November 2005. Telephone interview.

\_\_\_\_\_. 13 October 2005. Telephone interview.

Specialist in Indian Affairs, University of Winnipeg. 23 November 2005. Correspondence.

*The Tribune*. 27 July 2005. "Police Act Against Erring Landlords." <<http://www.tribuneindia.com/2005/20050727/delhi.htm>> [Accessed 31 Oct. 2005]

United Kingdom (UK). September 2005. Immigration and Nationality Directorate, Home Office. "Operational Guidance Note." <[http://www.ind.homeoffice.gov.uk/ind/en/home/laws\\_policy/country\\_information/operation\\_guidance/india.html](http://www.ind.homeoffice.gov.uk/ind/en/home/laws_policy/country_information/operation_guidance/india.html)> [Accessed 22 Nov. 2005]

\_\_\_\_\_. April 2003. Immigration and Nationality Directorate, Home Office. "India: Country Assessment." <[http://www.ind.homeoffice.gov.uk/ind/en/home/laws\\_policy/country\\_information/operation\\_guidance/india.html](http://www.ind.homeoffice.gov.uk/ind/en/home/laws_policy/country_information/operation_guidance/india.html)> [Accessed 22 Nov. 2005]

United Nations (UN). 3 November 2005. High Commissioner for Refugees (UNHCR). Correspondence from Legal Officer.

Voices for Freedom Asia (VFF). 23 October 2005. Correspondence from the Senior Director.

\_\_\_\_\_. 28 August 2005. Sudip Kaur. "Victims of anti-Sikh Riots Face Further Delays. Sikh Community Dismayed on the Report." <[http://66.221.45/index.asp?c2=press\\_releases/pr\\_story5.asp](http://66.221.45/index.asp?c2=press_releases/pr_story5.asp)> [Accessed 17 Oct. 2005]

\_\_\_\_\_. 20 June 2004. "Exposing the Truth: 1984 Sikh Genocide Seminar." <[http://66.221.45.104/index.asp?c2=upcoming\\_events/genocideseminar.asp](http://66.221.45.104/index.asp?c2=upcoming_events/genocideseminar.asp)> [Accessed 17 Oct. 2005]

*World Policy Journal*. 1 July 2004. Vol. 21, No. 2. Barbara Crossette. "India's Sikhs: Waiting for Justice." (Dialog)

World Sikh Organization (WSO). 12 January 2006. Correspondence from the Director of Administration.

\_\_\_\_\_. 5 January 2006. Correspondence from the Director of Administration.

\_\_\_\_\_. N.d. "World Sikh Population."

Additional Sources Consulted

**Internet sources, including:** Amnesty International, India Centre for Human Rights and the Law, Movement Against State Repression (Punjab, India), New York University, Center for Human Rights and Global Justice, Punjab Human Rights Organization, Sikh Human Rights Group (United Kingdom), South Asia Books (United States), South Asia Human Rights Documentation Centre, United Nations Development Programme India, University of Notre Dame, Department of Anthropology, Unrepresented Nations and Peoples Organization (UNPO).

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